

Entered - 05/30/00 - sb
CL0010324 - DIANNE C. MITCHELL

00-*R*-0939

CLAIM OF: SPENCER IVERSON,
through his attorney,
Jason M. Orenstein
P. O. Box 4086
Macon, Georgia 31208-4086

For damages alleged to have been sustained as a
result of claimant's arrest on November 23, 1999
at Hartsfield Atlanta International Airport.

ADVERSE REPORT

COM. *Public Safety*

DATE *6/27/00*

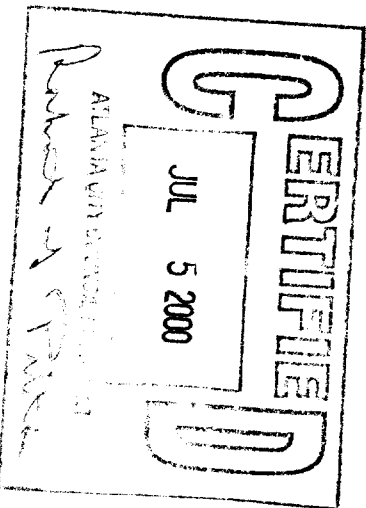
CHM. *C. T. Mackey*

CHM

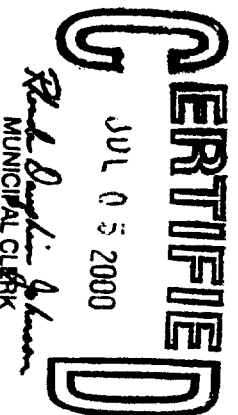
[Signature]

THIS ADVERSED REPORT IS
APPROVED

BY: *[Signature]*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY



ADVERSED BY
CITY COUNCIL JUL 05 2000





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 18, 2000

Jason M. Orenstein
Attorney at Law
P.O. Box 4086
Macon, GA 31208-4086

00-R-0939

RE: Spencer Iverson

Dear Attorney Orenstein:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 5, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0324

Date: June 14, 2000

Claimant /Victim SPENCER IVERSON
BY: (Atty) Jason M. Orenstein
Address: P. O. Box 4068, Macon, Georgia 31208-4086
Subrogation: Claim for Property damage \$ Bodily Injury \$ 50,000.00
Date of Notice: 05/23/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/23/99 Place: Hartsfield Atlanta International Airport
Department Police Division:
Employee involved Barry C. Miller, Jr. Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was wrongfully arrested by an Atlanta police officer while at the airport. Pursuant to O.C.G.A. §36-33-3, the City is immune from the tort actions of its police officers.

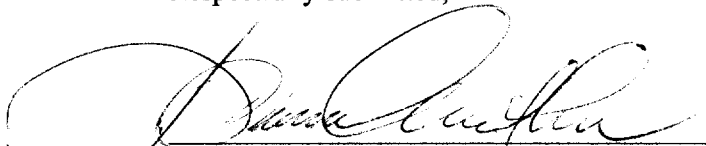
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

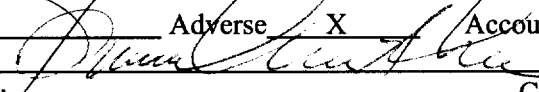
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06/14/00
Committee Action: Council Action

FRICKS, DELL & ORENSTEIN, LLP
ATTORNEYS AT LAW

ROBERT ABNEY FRICKS
J. V. DELL, JR.
JASON M. ORENSTEIN

ENTERED - 5-30-00 - SB
00L0324 - DIANNE MITCHELL

May 10, 2000

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0572570024
1922 FOLKSYTH STREET
POST OFFICE BOX 4086
MACON, GEORGIA 31208-4086
TELEPHONE (912) 743-6300
TELECOPIER (912) 743-6310
LAKE OCONEE OFFICE:
1027 LAKE OCONEE PARKWAY
SUITE 10
EATONTON, GEORGIA 31024
TELEPHONE (706) 484-4710
TELECOPIER (706) 484-4720
E-MAIL: FDL@FDLLAW.COM

CERTIFIED MAIL #7099 3220 0007 5270 8083
RETURN RECEIPT REQUESTED &
REGULAR U. S. MAIL

The City of Atlanta
Attention: Bill Campbell, Mayor
675 Ponce de Leon Avenue, N.E.
Atlanta, Georgia 30308

Re: Mr. Client: Spencer Iverson - Ante Litem Notice

Dear Mayor:

Please be advised that I have been retained to represent Mr. Spencer Iverson in connection with a claim against the City of Atlanta and any other related municipal corporations based upon an event that occurred on November 23, 1999. This letter constitutes a written demand pursuant to O.C.G.A. § 36-33-5 as a prerequisite for the filing of a civil action. I have enclosed all documentation related to Mr. Iverson's claim and look forward to a prompt and favorable response. I believe the complaint filed by Mr. Iverson speaks for itself. Nevertheless, I shall summarize the events of the date in question.

On November 23, 1999 at approximately 6:30 p.m., Spencer Iverson was parked along the curb at the Atlanta-Hartsfield Airport awaiting an arriving passenger. He had already received confirmation by cell phone that the passenger was on the way and knew where he was. Knowing his passenger was on the way, he raised his trunk for loading the luggage when a police officer came by and inquired as to whether that was his vehicle. When he confirmed that it was, he was instructed by this police officer to stay by the vehicle and he could continue to wait. Several seconds later, another officer later learned to be Barry C. Miller, Jr. approached and instructed Mr. Iverson to move his vehicle. When Mr. Iverson attempted to advise him that the other officer had told him to remain by the vehicle, Officer Miller slammed his notepad to the ground and became violent. At the same time Mr. Iverson noticed his passenger was in view and approaching. Nevertheless, in effort to comply, Mr. Iverson attempted to get in his car and leave. Officer Miller intercepted him and demanded that he put his hands on the car and advised him that he was going to jail. At that time, Mr. Iverson was handcuffed by Officer Miller and taken through the airport to a holding cell. He was booked and fingerprinted and now has a permanent arrest record.

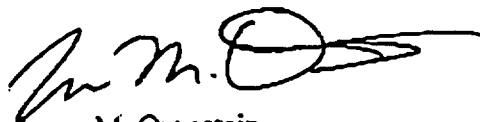
Bill Campbell, Mayor
May 10, 2000
Page Two of Two

Officer Miller never told Mr. Iverson what he was being charged with and never read him any rights. Even the police officer who transported Mr. Iverson to the detention center confirmed to Mr. Iverson that nothing he had seen, heard or read warranted the action taken by Officer Miller. The transporting officer went so far as to commend Mr. Iverson for his demeanor and attitude through the entire ordeal.

This abuse of authority and false imprisonment by Officer Miller was totally unwarranted and malicious and deprived Mr. Iverson of his personal liberty. Mr. Iverson is gainfully employed as a professional player representative for First Team Sports Management and is an upstanding member of his community. In addition to the mental anguish Mr. Iverson has suffered and will continue to suffer as a result of the embarrassment and public humiliation, his character and reputation, as well as that of his family, has been greatly damaged; all because Officer Miller chose to take his obvious anger and frustration out on Mr. Iverson.

Accordingly, on behalf of Mr. Iverson, I hereby demand payment of \$50,000 as compensation. Thank you in advance for your time and consideration in this matter and I hope to receive a prompt and favorable response.

Yours sincerely,



Jason M. Orenstein

JMO/gcs
Enclosures

cc: Spencer Iverson
Beverly J. Harvard, Chief of Police

00-*R*-0939

RCS# 2057
7/05/00
1:38 PM

Atlanta City Council

Regular Session

Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

| | | | |
|------------|-----------|-----------|-------------|
| NV McCarty | Y Dorsey | Y Moore | Y Thomas |
| Y Starnes | Y Woolard | Y Martin | B Emmons |
| Y Bond | Y Morris | Y Maddox | B Alexander |
| B Winslow | Y Muller | Y Boazman | NV Pitts |

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0982
00-O-0996
00-R-0954
00-R-0981
00-R-0999

| 07/05/00 Council Meeting | |
|--|---|
| ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADVERSE ON CONSENT AGENDA |
| <ol style="list-style-type: none"> 1. 00-O-0882 2. 00-O-0815 3. 00-O-0986 4. 00-O-0987 5. 00-O-0988 6. 00-O-1002 7. 00-O-0574 8. 00-O-0972 9. 00-O-0818 10. 00-R-0990 11. 00-R-0992 12. 00-R-0993 13. 00-R-0885 14. 00-R-0884 15. 00-R-0883 16. 00-R-0880 17. 00-R-0814 18. 00-R-0957 19. 00-R-0961 20. 00-R-0998 21. 00-R-0887 22. 00-R-0888 23. 00-R-0889 24. 00-R-0997 25. 00-R-0892 26. 00-R-0955 27. 00-R-0984 28. 00-R-1000 29. 00-R-0908 30. 00-R-0909 31. 00-R-0910 32. 00-R-0911 33. 00-R-0912 34. 00-R-0913 35. 00-R-0944 36. 00-R-0945 37. 00-R-0946 | <ol style="list-style-type: none"> 38. 00-R-0914 39. 00-R-0915 40. 00-R-0916 41. 00-R-0917 42. 00-R-0918 43. 00-R-0919 44. 00-R-0920 45. 00-R-0921 46. 00-R-0922 47. 00-R-0923 48. 00-R-0924 49. 00-R-0925 50. 00-R-0926 51. 00-R-0927 52. 00-R-0928 53. 00-R-0929 54. 00-R-0930 55. 00-R-0931 56. 00-R-0932 57. 00-R-0933 58. 00-R-0934 59. 00-R-0935 60. 00-R-0936 61. 00-R-0937 62. 00-R-0938 63. 00-R-0939 64. 00-R-0940 65. 00-R-0941 66. 00-R-0942 67. 00-R-0943 68. 00-R-0947 69. 00-R-0948 70. 00-R-0949 71. 00-R-0950 72. 00-R-0951 |